

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: PAULETTE SOLANGE DJACHECHI, { CHAPTER 13
{
DEBTOR(S) { CASE NO. A18-53542-PWB
{
{ JUDGE BONAPFEL

OBJECTION TO CONFIRMATION

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Debtor(s) has proposed to make payments directly to the Trustee but should be required to have them remitted by payroll deduction.
3. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
4. The proposed Chapter 13 plan fails to provide for the secured claims not treated specifically under the plan to receive interest, in possible violation of 11 U.S.C. § 1325(a)(3).
5. The Debtor(s)' Statement of Financial Affairs is inaccurate and/or incomplete; the Trustee is unable to determine the feasibility of the proposed plan. 11 U.S.C. Section 1325(a)(6); specifically, 2018 year to date employment and rental incomes appear to be inaccurate on questions 4 and 5 and question 16 omits credit counseling fee.
6. The Chapter 13 Schedules reflect exemptions that exceed the exemption limitations allowed in accordance with O.C.G.A. Section 44-13-100.

Mary Ida Townson, Chapter 13 Trustee
Suite 2200 - 191 Peachtree Street, N.E.
Atlanta, GA 30303-1740
(404) 525-1110
eds@atlch13tt.com

7. The Debtor has failed to provide adequate notice to homeowner's association creditors, in violation of 11 U.S.C. Section 342.

8. The Debtor(s)' budget proposes to make monthly charitable contributions in the amount of \$260.00. The Debtor(s) should provide written evidence sufficient to establish a consistent pattern of contributing prior to the filing of the instant case. 11 U.S.C. Section 1325 (b)(2)(A).

9. The Chapter 13 budget reflects a monthly disposable income of only \$984.67; thereby, rendering the proposed Chapter 13 plan payment of \$1,050.00 per month infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

10. The Form 122C-1 appears to claim an incorrect amount for line item 16c and Form 122C-2 appears to claim an incorrect amount for line items 6, 9, 13 and 36.

11. The Chapter 13 Plan fails to provide for the appropriate pool of funds or dividend to the unsecured creditors, as required by 11 U.S.C. Section 1325(b)(1)(B). Specifically, the 22C Form reflects disposable income of \$11.17, thus necessitating an unsecured pool of \$670.20.

12. The proposed plan fails to provide for the treatment of Ditech Financial, LLC. However, said creditor has filed a secured arrearage claim.

13. Section 8.1 of the proposed plan directs the Trustee to not fund the secured claim of Interstate Intrinsic Value Fund as the Debtor disputes this debt. The Trustee requests that the Debtor file the appropriate pleadings to have the Court make a determination with regard to this matter.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

April 25, 2018

/s/
K. Edward Safir, Attorney
for Chapter 13 Trustee
GA Bar No. 622149

Mary Ida Townson, Chapter 13 Trustee
Suite 2200 - 191 Peachtree Street, N.E.
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(404) 525-1110
eds@atlch13tt.com

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CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S) :

PAULETTE SOLANGE DJACHECHI
2865 LENOX ROAD, #308
ATLANTA, GA 30324

ATTORNEY FOR DEBTOR(S) :

DEBTOR PRO SE

in the foregoing matter with a copy of this pleading by
depositing in the United States Mail a copy of same in a
properly addressed envelope with adequate postage thereon.

This 25th day of April 2018

/s/

K. Edward Safir, Attorney
for Chapter 13 Trustee
GA Bar No. 622149

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